

REMARKS

In the Office Action mailed November 29, 2004, Claim 24 is rejected under 35 U.S.C. §102(a), as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over WO 99/46042 in the name of Hofmann et al. and WO 99/19063 also in the name of Hofmann et al. Claim 24 is rejected under 35 U.S.C. §102(b), as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over EP 0,892,002 A1 in the name of Hofmann et al. and U.S. Pat. No. 3,829,505 issued to Herold. Claim 24 is rejected under 35 U.S.C. §102(e), as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,998,327 issued to Hofmann et al. Claim 24 is rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 23 and 24 are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 28, 31 and 33 of copending application Serial No. 10/717,093. Claims 12-18 and 20-25 are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1-11 of copending application Serial No. 10/133,287. Claims 12-18 and 21-25 are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1-10 of copending application Serial No. 10/138,209. Claims 12-18 and 21-25 are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 10-15 and 19 of copending application Serial No. 10/129,579. Claims 12-18 and 25 are rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1-4, 6 and 7 of U.S. Pat. No. 6,696,383. Claims 12-18, 21, 22 and 25 are rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 5-7, 9 and 10 of U.S. Pat. No. 6,797,665. The examiner indicates that Claims 12-18, 20-23 and 25 would be allowable if rewritten or amended to overcome the obviousness type double patenting rejections or with timely filed terminal disclaimer(s). Claim 19 is objected to as being dependent upon a rejected base claim.

Rejections under 35 U.S.C. §112, second paragraph

Claim 24 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicants have cancelled Claim 24, thus obviating any grounds for rejection based upon that claim.

Rejections under 35 U.S.C. §§102(b)/103(a) over Hofmann et al. (WO 99/46042)

Claim 24 stands rejected under 35 U.S.C. §102(a), as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over WO 99/46042 in the name of Hofmann et al. and WO 99/19063 also in the name of Hofmann et al. Applicants have cancelled Claim 24, thus obviating any grounds for rejection based upon that claim.

Rejections under 35 U.S.C. §§102(b)/103(a) over of Hofmann et al. and Herold

Claim 24 stands rejected under 35 U.S.C. §102(b), as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over EP 0,892,002 A1 in the name of Hofmann et al. and U.S. Pat. No. 3,829,505 issued to Herold. Applicants have cancelled Claim 24, thus obviating any grounds for rejection based upon that claim.

Rejections under 35 U.S.C. §§102(b)/103(a) over Hofmann et al. (US 5,998,327)

Claim 24 stands rejected under 35 U.S.C. §102(e), as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,998,327 issued to Hofmann et al. Applicants have cancelled Claim 24, thus obviating any grounds for rejection based upon that claim.

Rejections under judicially created doctrine of obviousness-type double patenting

Claims 23 and 24 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 28, 31 and 33 of copending application Serial No. 10/717,093. Claim 24 has been cancelled, thus obviating any grounds for rejection based upon that claim. The

Examiner indicates at page 10 of the instant Office Action that claim 23 would be allowable with a timely filed terminal disclaimer over copending application Serial No. 10/717,093. Applicants submit herewith such terminal disclaimer.

Claims 12-18 and 20-25 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1-11 of copending application Serial No. 10/133,287. Claim 24 has been cancelled, thus obviating any grounds for rejection based upon that claim.

Applicants note that this application was issued on December 21, 2004 as U.S. Pat. No. 6,833,431. The Examiner indicates at page 10 of the instant Office Action that Claims 12-18, 20-23 and 24 would be allowable with a timely filed terminal disclaimer over copending application Serial No. 10/133,287. Applicants submit herewith a terminal disclaimer over U.S. Pat. No. 6,833,431.

Claims 12-18 and 21-25 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1-10 of copending application Serial No. 10/138,209. Claim 24 has been cancelled, thus obviating any grounds for rejection based upon that claim. The Examiner indicates at page 10 of the instant Office Action that Claims 12-18, 21-23 and 24 would be allowable with a timely filed terminal disclaimer over copending application Serial No. 10/138,209. Applicants submit herewith such terminal disclaimer.

Claims 12-18 and 21-25 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 10-15 and 19 of copending application Serial No. 10/129,579. Claim 24 has been cancelled, thus obviating any grounds for rejection based upon that claim. The Examiner indicates at page 10 of the instant Office Action that Claims 12-18, 21-23 and 24 would be allowable with a timely filed terminal disclaimer over copending application Serial No. 10/129,579. Applicants submit herewith such terminal disclaimer.

Claims 12-18 and 25 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1-4, 6 and 7 of U.S. Pat. No. 6,696,383. The Examiner indicates at page 10 of the instant Office

Action that Claims 12-18 and 25 would be allowable with a timely filed terminal disclaimer over U.S. Pat. No. 6,696,383. Applicants submit herewith such terminal disclaimer.

Claims 12-18, 21, 22 and 25 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 5-7, 9 and 10 of U.S. Pat. No. 6,797,665. The Examiner indicates at page 10 of the instant Office Action that Claims 12-18, 21, 22 and 25 would be allowable with a timely filed terminal disclaimer over U.S. Pat. No. 6,797,665. Applicants submit herewith such terminal disclaimer.

CLAIM OBJECTIONS

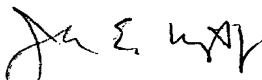
Claim 19 stands objected to as being dependent upon a rejected base claim. The Examiner indicates at page 10 of the instant Office Action that this claim would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Applicants have so rewritten Claim 19, and respectfully request the Examiner remove his objection thereto.

CONCLUSION

Applicants have amended Claim 19; have cancelled Claim 24; and have added Claims 26-31. Applicants contend that such claim amendments add no new matter and find support in the specification.

Applicants submit that the instant application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 12-23 and 25-31. If the Examiner is of the opinion that the instant application is in condition for other than allowance, he is invited to contact the applicants' Attorney at the telephone number listed below, so that additional changes to the claims may be discussed.

Respectfully submitted,

By 

John E. Mrozinski, Jr.
Attorney for Applicants
Reg. No. 46,179

Bayer MaterialScience LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3024
FACSIMILE PHONE NUMBER:
(412) 777-3902

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